

MISSOURI WITNESS PROTECTION PROGRAM



BACKGROUND

The Missouri Witness Protection Program is contained in Section 491.640 of the Missouri Revised Code. The Program has been in operation since 1983 to provide for the security of a witness, potential witness, and his/her immediate family in criminal justice proceedings instituted or investigations pending against a person alleged to have engaged in a violation of state law. Such protection may be provided if a clear and present danger exists that the testimony by such a witness might subject the witness or a member of his/her immediate family to the threat of bodily injury. The protections may continue for as long as the threat of danger exists.

The Witness Protection Program is funded through state funds, and the amount of monies available is dependent upon annual appropriations. This program was first funded in FY '85. In August 2004, the administration of the program was transferred to the Missouri Office of Prosecution Services.

CONCEPT OF PROGRAM

According to Section 491.640, RSMo, witness protection may include provisions for the health, safety and welfare of a witness and his/her immediate family, if testimony by such a witness might subject the witness or a member of his immediate family to danger. Because funds are limited, it is not possible for the Missouri program to duplicate the comprehensive, long-term services provided through the Federal Witness Protection Program. Toward this end, it is hoped that expenses will be reasonable and consistent with the degree of security required, and that the period for which protection is necessary will not exceed 60-90 days.

ALLOWABLE COSTS

It is not the intent of this program to cover such incidental expenses as telephone calls, postage, cleaning, cigarettes, etc.

The following types of expenses may be covered under the Missouri program:

- ♦ Lodging – This includes reasonable housing or apartment rental, motel expenses, or funds to provide space in another jurisdiction's jail or correctional facility. (Security and utility deposits are not covered.)
- ♦ Food – A modest, specific per diem rate should be established at the time protection is requested and adhered to throughout the period of protection.
- ♦ Moving Expenses – A witness may relocate to another county or to an adjoining state. When possible, the witness should utilize a rental truck or other "move it yourself" means. (Again, any type of security deposits will not be covered under the program.)
- ♦ Transportation – One-way bus tickets or other transportation modes otherwise approved by the Missouri Office of Prosecution Services will be reimbursed.
- ♦ Overtime Expenses – Reimbursement of overtime expenses for law enforcement to maintain surveillance of the witness's residence for a specified period of time is allowable.

APPLICATION PROCEDURES

As required by statute, applications must include, but not be limited to, the following:

- 1) Statement of conditions which qualify person(s) for protection;
- 2) Precise methods to be used to provide protection, including relocation of person(s);
- 3) Precise methods to be used to work with other law enforcement agencies that may be involved with the witness in this case or another pending case;
- 4) Itemized statement of projected costs over a specified period of time.

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The Missouri Office of Prosecution Services will keep all applications submitted confidential.

All applications for witness protection must be submitted by or through a county prosecuting attorney's office or the office of the circuit attorney. The exception to this procedure would be cases where evidence can be shown that there is a problem with a particular county prosecuting attorney or circuit attorney, which would preclude involvement of that particular office.

The initial request for assistance may be verbal in emergency cases. However, a formal written application must be completed and forwarded, as soon as possible, to:

Missouri Office of Prosecution Services
Witness Protection Program
PO Box 899
Jefferson City, MO 65102
Phone: (573) 751-0619 or 522-1838
Fax: (573) 751-1171

Prior approval is required, either verbally or in writing, from the Missouri Office of Prosecution Services, for costs incurred. Exceptions may be granted only in extraordinary circumstances.

Upon final approval by the Missouri Office of Prosecution Services, a copy of the application for assistance will be returned to the applicant agency.

After costs have been incurred or expenditures made, the applicant agency must submit a "Detail of Expenditures" form to the Missouri Office of Prosecution Services accompanied by receipts and supporting documentation for the expenses. The program is conducted on a reimbursement basis, requiring the prosecutor/circuit attorney office to be reimbursed for expenses incurred. Other arrangements can be made only with prior approval of the Missouri Office of Prosecution Services, and only in extraordinary circumstances.

PROGRAM ADMINISTRATION

In order to insure the best possible utilization of these limited witness protection funds, the Missouri Office of Prosecution Services has established a screening system to ascertain the validity of the request and the severity of the situation. In addition to the formal request made through the prosecuting or circuit attorney's office and then submitted to the Missouri Office of Prosecution Services, the Director may contact the appropriate law enforcement agency to obtain their input on the particular case.

Any questions concerning the Witness Protection Program may be directed to:

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Witness Protection Program
PO Box 899
Jefferson City, MO 65102
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